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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,930	09/04/2003	Geoffrey B. Rhoads	P0877	8366
23735 7590 06/20/2008 DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008				
EXAMINER				
PERUNGAVOOR, VENKATANARAY				
ART UNIT		PAPER NUMBER		
2132				
MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/656,930

**Applicant(s)**

RHOADS ET AL.

**Examiner**

Venkat Perungavoor

**Art Unit**

2132

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12, 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 4/29/2008 have been fully considered but they are not persuasive. The Applicant argues Claims 1, 3, 8, 10-12, 14, 17, 20, the Examiner will address these arguments here.

Regarding Claim 1, 3, 10, 14: Applicant argues that the reference code is not included in the digital representation but is sent separately.

Kodak discloses the reference code being embedded in the watermark see Col 4 Ln 8-9 & Ln 15-16.

Regarding Claim 11-12: Applicant argues that the analog form such as signature is absent.

Kodak discloses the analog form such as signatures see Col 1 Ln 30-36.

Regarding Claim 17: Applicant argues that authenticity check being done before sending the digital representation is absent.

Kodak discloses the comparing of encoded portions before sending the digital image see Col 4 Ln 20-24.

Regarding Claim 8 and 20: Applicant argues that routing of signals and the cardholder carrying additional information is absent.

Kodak discloses the routing of signals see Col 5 Ln 17-21 and the user carrying additional information see Col 3 Ln 8-21.

***Claim Rejections - 35 USC § 103***

Claims 1, 3-8, 10-12, 14-15, 17-20 are rejected under 35 U.S.C. 103(a) as being obvious under EP0650146 A1 to Eastman Kodak Company(Kodak) in view of US Patent 5613004 to Cooperman et al.(hereinafter Cooperman).

Regarding Claim 1, 20, 11, 18, Kodak discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and recover the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10 & Col 6 Ln 5-8 & Col 11-15. But does not disclose the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-66.

Regarding Claim 3, 15, Kodak discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and recover the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10 & Col 6 Ln 5-8 & Col 11-15. But does not disclose the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the

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invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-66; the validation requestor identification code being sent to CAA to obtain other codes and for storage see Col 3 Ln 21-34.

Regarding Claim 4, Kodak discloses the second authentication is based on semantic information contained in the image see Col 5 Ln 1-11; the authentication information reader includes a semantic information reader and authentication information maker see Col 5 Ln 37-44.

Regarding Claim 5, Kodak discloses the authenticity of the code being verified to the source see Fig. 1 item 90.

Regarding Claim 6, Kodak discloses the digitalizing of photos see Col 3 Ln 3-7.

Regarding Claim 7, Kodak pre-approval code being used and the algorithm is being used to be verified with CAA and the card see Col 6 Ln 58- Col 7 Ln 4.

Regarding Claim 8, 14, Kodak discloses the PIN number being inputted by the user see Col 7 Ln 20-25.

Regarding Claim 10, Kodak discloses the plurality of devices and routing codes see Col 6 Ln 23-39.

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Regarding Claim 12, 14, 17, Kodak discloses the digitalizing of photos see Col 3 Ln 3-7; further discloses the storage system which stores the second authentication information see Fig. 1 item 30; a processor having an information reader see item 20; and processor to retrieve second authentication information see item 50, 80 and read the first authentication information and compare with second authentication information to determine authenticity see Abstract & Col 5 Ln 22-Col 6 Ln 10. But does not disclose the embedding of first information. However, Cooperman discloses the embedding of first information see Col 5 Ln 30-48. It would be obvious to one having ordinary skill in the art at the time of the invention to include in the invention of watermarking/embedding in order to make it visually imperceptible see Col 5 Ln 60-65. Regarding Claim 19, Kodak discloses the photo ID see Col 2 Ln 16-19, photo being scanned in photo software see Col 4 Ln 31-33, and the tagging of photos see Col 4 Ln 34-38.

Regarding Claim 21, Kodak discloses the indication of authenticity of the digital representation see Col 3 Ln 53- Col 4 Ln 2.

Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0650146 A1 to Eastman Kodak Company(Kodak) in view of US Patent 5613004 to Cooperman et al.(hereinafter Cooperman) further in view of US Patent 5467447 to Vogel.

Regarding Claim 9, Kodak discloses the authentication of read information see Abstract. But does not explicitly disclose analog form containing a security pattern and associating the pattern with digital representation. However, Vogel disclose the analog form containing a security pattern see Fig. 1 item 5 and 6 and associating the pattern with digital representation see Fig. 11 item 24. It would be obvious to one having ordinary skill in the art at the time of the invention to include the analog form containing a security pattern and associating the pattern with digital representation in the invention of Kodak in order to further improve security by a texture feature see Col 3 Ln 20-30.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP0650146 A1 to Eastman Kodak Company (Kodak) in view of US Patent 5475205 to Behm et al. (hereinafter Behm).

Regarding Claim 16, Kodak does not disclose the locating of authentication information. However, Behm discloses the locating of the information on the document and checking for authenticity see Abstract & Col 6 Ln 15-24. It would be obvious to one having ordinary skill in the art at the time of the invention to include the information on the document and checking for authenticity in the invention of Kodak in order to have defined portion dedicated to authentication information see Col 5 Ln 13-26.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action

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and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./

Examiner, Art Unit 2132

June 16, 2008

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2132